

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC INVESTIGATION OF JURISDICTIONAL)	
STATUS OF EAST KENTUCKY MIDSTREAM, LLC)	CASE NO.
AND OF ITS COMPLAINT WITH KRS CHAPTER 278,)	2022-00238
807 KAR CHAPTER 005, AND 49 CFR PARTS 191 AND 192)	

MOTION FOR CONFIDENTIAL TREATMENT

Comes now Kentucky Frontier Gas, LLC (“Kentucky Frontier”), by counsel, pursuant to KRS 61.878, 807 KAR 5:001, Section 13 and other applicable law, and for its Motion requesting that the Kentucky Public Service Commission (“Commission”) afford confidential treatment to Kentucky Frontier’s response to the post-formal conference request for filed in the above-captioned proceeding, respectfully states as follows:

1. Contemporaneously with this Motion, Kentucky Frontier has filed its response to the post formal conference request for information.
2. In response to Request No. 1, Kentucky Frontier is providing GIS coordinates for Kentucky Frontier’s customers that were previously served by Public Gas and Jefferson Gas.
3. KRS 61.878(1)(m)(1) protects “[p]ublic records the disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability in preventing protecting against, mitigating, or responding to a terrorist act....,” and specifically exempts from public disclosure certain records pertaining to public utility critical systems. *See* KRS 61.878(1)(m)(1)(f).

4. The Confidential Information includes identifications and depictions of certain critical energy infrastructure necessary to transmit natural gas in the region. If the GIS coordinates are disclosed the information could be utilized to commit or further a criminal or terrorist act, disrupt critical public utility systems, and/or intimidate or coerce the civilian population. Disclosure of the Confidential Information could also result in the disruption of innumerable other infrastructure systems which relate to, or rely upon, the safe and reliable provision of natural gas. Moreover, disclosure of the Confidential Information could have a reasonable likelihood of threatening the public safety. Put plainly, maintaining the confidentiality of the Confidential Information relating to critical energy infrastructure is necessary to protect the interests of Kentucky Frontier, its customers, and the region at large.

5. The Confidential Information is proprietary information that is retained by Kentucky Frontier on a “need-to-know” basis and is not publicly available. The Confidential Information is distributed within Kentucky Frontier only to those employees who must have access for business reasons, and is generally recognized as confidential and proprietary in the energy industry.

6. Kentucky Frontier does not object to limited disclosure of the Confidential Information described herein, pursuant to an acceptable confidentiality and nondisclosure agreement, to parties in this proceeding with a legitimate interest in reviewing the same for the sole purpose of participating in this case.

7. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Kentucky Frontier is filing one (1) copy of the unredacted GIS coordinates separately under seal. Kentucky Frontier is requesting confidential treatment for the entire document and therefore no highlighting is contained in the documents and no redacted copy is being tendered.

8. In accordance with the provisions of 807 KAR 5:001, Section 13(2), Kentucky Frontier respectfully requests that the GIS coordinates be withheld from public disclosure indefinitely

9. If, and to the extent, the Confidential Information becomes publicly available or otherwise no longer warrants confidential treatment., Kentucky Frontier will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10).

WHEREFORE, on the basis of the foregoing, Kentucky Frontier respectfully requests that the Commission classify and protect as confidential the specific Confidential Information described herein indefinitely.

This 16th day of November, 2022.

Respectfully submitted,



L. Allyson Honaker
HONAKER LAW OFFICE, PLLC
1795 Alysheba Way, Suite 6202
Lexington, KY 40509
(859) 368-8803
allyson@hloky.com

Counsel for Kentucky Frontier Gas, LLC

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on November 16, 2022 and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's Order in Case No. 2020-00085 no paper copies of this filing shall be made.



Counsel for Kentucky Frontier Gas, LLC